

LABOUR AND EMPLOYMENT DEPARTMENT

The 6th April, 1967

No. 2724-3Lab.-67/7774.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Jayess Industries, N.I.T. Faridabad.

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

REFERENCE No. 4 OF 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S JAYESS INDUSTRIES, N.I.T.
FARIDABAD

Present—

Shri Gawar Singh, claimant, with Shri Roshan Lal Sharma on behalf of the workmen
Shri Jaswant Singh, Proprietor of the respondent concern, with Shri D. C. Bhardwaj.

AWARD

An industrial dispute having arisen between the workmen and the management of M/s Jayess Industries, N.I.T. Faridabad, the Government of Haryana by means of their. gazette notification No. 168-SFIII-Lab-66/254, dated 26th December, 1966, and in exercise of the powers conferred on them by section 10 (1)(c) of the Industrial Disputes Act, 1947, have referred to this Court for adjudication the matter mentioned below :—

Whether the termination of the services of Shri Gawar Singh was justified or in order ? If not, to what relief/exact compensation he is entitled ?

Usual notices were issued to the parties and in response thereto the workmen filed a statement of their claim and the respondent management filed their written statement denying the claim of the workmen and the grounds upon which it was based. It was pleaded on behalf of the workmen that the claimant Shri Gawar Singh had been serving as a Fitter in the respondent concern since 13th July, 1964, but the respondents refused him work with effect from 30th August, 1966. It was pleaded that the refusal of the management to give work to the claimant amounted to a termination of his services by the management and this termination was illegal, unjustified and against the principles of natural justice.

The management raised a preliminary objection to the effect that as the services of the claimant had never been terminated by them nor he had been discharged, dismissed or retrenched from service, the present reference is premature and invalid in law. On merits it was admitted that Shri Gawar Singh had joined their service on 13th July, 1964, but it was pleaded that he absented himself with effect from 12th August, 1966, without leave or permission and had sought gainful employment in another factory in Faridabad known as M/s Amrican Universal Factory. It was pleaded that his absence was willful and intentional and put the management in production and financial loss. It was stated that the management are still prepared to take him back if he resumes duty.

The case came up for hearing before this Court to-day, when issues were to be framed. At today's hearing, Shri Jaswant Singh, proprietor of the respondent concern, further clarified the position and made the following statement on solemn affirmation :—

"Shri Gawar Singh, Claimant, is still on over rolls. We have not terminated his services nor we have struck off his name from our rolls. We request the Court to ask him to resume duty. He has been absent without leave or permission."

Shri Gawar Singh, claimant, also made a statement before this Court today. This statement is as follows :—

"It is incorrect that I am absent from duty without leave or without permission. I have been going to the management but they do not give me duty. I am still prepared to go to the respondents to resume duty."

The position thus is that according to the management the claimant Shri Gawar Singh is still borne on their strength and he can resume duty if so he likes. They have not struck off his name from their rolls so far. The management's version is that the claimant

is absent of his own accord without leave or permission. The claimant's version is that he is going to the management for duty and they are not giving him duty. As the relation ship of master and servant is still in existence and the services of the claimant have not been terminated according to the management, the question of deciding the justifiability or otherwise of the termination of services of the claimant by the management does not arise. The only question is whether the claimant is entitled to wages for the period for which according to the management he has been absent from duty and according to the claimant he has been reporting for duty to the management. This question of wages can be decided in an application for wages made by the applicant to a competent authority. Realising this position, Shri Roshan Lal, authorised representative of the workmen, made, the following statement:—

"In view of the position taken up by the management that the claimant Shri Gawar Singh is still their employee and they have not terminated his services, I withdraw the claim on which the present reference is based. We will put an application for the wages of the claimant to the proper authority for the period for which he has not been given duty."

As the claim upon which the present reference is based has been withdrawn by the workmen in view of the position taken up by the management, the present reference becomes infructuous and question of giving an adjudication on the point covered by it does not arise. I award accordingly.

The parties will bear their own costs of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour as required under section 15 of the Industrial Disputes Act, 1947.

Camp : Ballabgarh
Dated 30th March, 1967:

(HANS RAJ GUPTA),
Presiding Officer,
Labour Court, Rohtak.

B. L. AHUJA, Secy.

INDUSTRIES DEPARTMENT

The 14th April, 1967

No. 2799-4IB-67/6672.—The Governor of Haryana is pleased to amend item No. 2 of HARYANA GOVERNMENT GAZETTE NOTIFICATION No. 196(1)IB-66/263, dated the 15th November, 1966 published in the HARYANA GOVERNMENT GAZETTE (Extraordinary), dated the 16th November, 1966, in respect of Joint Director (Small Industries) of the Industries Department, Haryana, who will also function as Joint Registrar (Industrial Co-operatives) in the Haryana State so as to read as under :—

2. Joint Director (S.I.)- All the powers of the cum-Joint Registrar, Registrar, exercisable under the Punjab Co-operative Societies Act, 1961 Industrial Co-operatives

R. N. CHOPRA, Secy.

REVENUE DEPARTMENT

WAR JAGIR

The 12th April, 1967

No. 636-R(IV)-67/1043.—In exercise of the powers conferred by sections 2(a)(i) and 3(1)(a) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of War Jagir of the annual value of Rs 100 (Rupees one hundred only) in favour of Shrimati Bhuri, widow of Shri Bhup Singh of village Bhunehala, tehsil Jhajar, District Rohtak, subject to such conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

2. This grant will take effect from Kharif, 1964.

No. 1327-R(IV)-67/1048.—In exercise of the powers conferred by sections 2(a)(i) and 3(1)(a) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of War Jagir of the annual value of Rs 100 (Rupees one hundred only) in favour of Shri Purn Dass, son of Shri Shankar Gir of 44/693, Baldev Nagar, Ambala City, subject to such conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to him.

2. This grant will take effect from Kharif, 1964.

No. 420-R(IV)-67/1053.—In exercise of the powers conferred by sections 2(a)(ia) and 3(1A) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of war jagir of the annual value of Rs 100 each (Rupees one hundred only) in favour of the under-mentioned persons subject to such conditions as to its enjoyment as are contained in the respective Sanads of the Jagir granted to them :—

Serial No.	District	Name of the grantee	Particulars about his residence	
			Village	Tehsil
1	2	3	4	5
1	Mohindergarh	Shri Narayan, son of Shri Duli Chand	Nangal Katha	Narnaul
2	Ditto	Shri Gursahai Singh, son of Shri Prana	Surani	Do.

Serial No.	District	Name of the grantee	Particulars about his residence	
			Village	Tehsil
3	Mohindergarh	Shri Kanwar Singh, son of Shri Mansa Ram	Deroli Ahir	Narnaul
4	Do	Smt. Jiواني Devi, Wd/o Shri Tirkha Ram	Duloth Ahir	Mohindergarh
5	Do	Shri Sanwal Das, son of Shri Madho Ram	Mandola	Do
6	Do	Shri Ghisa Ram, son of Shri Ram Rattan	Kanina	Do
7	Do	Shri Chet Ram, son of Shri Data Ram	Bucholi	Do
8	Do	Shri Ram Sarup, son of Shri Dunga Ram	Bhojawas	Do
9	Do	Shri Phusal Ram Baid, son of Shri Hira Singh	Kanina Khas	Do
10	Do	Shri Ram Lal Soni, son of Shri Bishan Dayal	Bewal	Do
11	Do	Shri Molahar Singh, son of Shri Kanhi Ram	Sehlong	Do
12	Do	Smt. Sarya, Wd/o Shri Mohar Singh	Pathera	Do
13	Do	Shri Ganpat Singh, son of Shri Gulab Singh	Nangal Sarohi	Do
14	Do	Shri Chet Ram, son of Shri Asa Ram	Kotia	Do
15	Do	Shri Khub Ram, son of Shri Devi Sahai	Sihor	Do
16	Do	Shri Sheotaj Singh, son of Shri Bhusa Ram	Akeda-ki-Dhani	Do
17	Do	Shri Ram Sarup, son of Shri Kalu Ram	Mandhi Piranu	Charkhidadri
18	Do	Shri Ganga Datt, son of Sheo Nath	Chirya	Do
19	Do	Shri Surja Ram, son of Shri Kanhi Ram	Khorda	Do
20	Do	Smt. Ghogri Wd/o Shri Moti Ram	Charkhi	Do
21	Do	Shri Hari Singh, son of Shri Nand Ram	Ram Nagar	Do
22	Do	Smt. Sarian, Wd/o Shri Jawahra	Balroad	Do
23	Do	Smt. Chand Kaur, Wd/o Shri Lok Ram	Chhapar	Do
24	Do	Smt. Chando Devi, Wd/o Shri Khub Ram	Ramalwas	Do
25	Do	Smt. Bharto Devi, Wd/o Shri Nathu Ram	Baund	Do

These grants will take effect from Kharif, 1965.

No. 570-R(IV)-67/1058.—In exercise of the powers conferred by sections 2(a) (ia) and 3(IA) of the East Punjab War Awards Act, 1948, the Governor of Haryana is pleased to make a grant of war jagir of the annual value of Rs 100 each (Rupees one hundred only) in favour of the under-mentioned persons subject to such conditions as to its enjoyment as are contained in the respective Sanads of the Jagir granted to them —

Serial No.	District	Name of the grantee	Particulars about his residence	
			Village	Tehsil
1	Rohtak	Shri Jiwan Dass, son of Ramaya Dass	H.No. 613, B.I. Kaistian Street	Rohtak
2	Do	Shri Lal Chand Katyal, son of Shri Jawala Dass	90-R, Model Town, Rohtak	Do
3	Do	Shri Bishan Singh, son of Shri Khiali Ram	Kakana (Bahaduri)	Gohana
4	Do	Shri Siri Ram, son of Shri Amar Singh	Khandria	Do

This grants will take effect from Kharif, 1965.